

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DOCUMENT DYNAMICS, LLC,)
Plaintiff,) Civil Action No. 3:18-cv-00411-AVC
v.)
XEROX CORPORATION,) March 15, 2019
Defendant.)

)

Local Rule 56(a)1 Statement of Undisputed Material Facts

Pursuant to D. Conn. L. Civ. R. 56(a)1, Defendant Xerox Corporation respectfully submits this Statement of Undisputed Material Facts. Some of the numbered paragraphs below reflect Plaintiff's factual allegations, which Xerox Corporation accepts as true for purposes of this motion only, but may dispute at trial if the Court does not grant summary judgment.

1. Document Dynamics, LLC asserts only Claim 4 of US Patent No. 7,872,772 ("the '772 Patent"). (Dkt. No. 1 ¶ 23.)
2. The application leading to the '772 Patent was filed on March 12, 2007. (US Patent No. 7,782,772, attached as Ex. A to Declaration of Elizabeth A. Alquist ("Alquist Decl.").)
3. The words "assess" or "assessing" do not appear in the specification of the '772 Patent. (US Patent No. 7,782,772, Alquist Decl. Ex. A.)
4. The claimed invention of the '772 Patent provides for software to be wrapped around, or appended to, existing operating-system-level print drivers. (Opening Expert Report of Glenn Weadock Regarding Infringement ("Weadock Report") ¶ 24, attached as Alquist Decl. Ex. B.)

5. The purported novelty of Claim 4 of the '772 Patent is the attaching of print reporting software, or “agent” software, to the print driver. (Weadock Report ¶ 36, Alquist Decl. Ex. B.)
6. Mr. Weadock states Xerox software “appends (in the sense of ‘supplements’) existing printing software, including a printer driver . . .” (Weadock Report ¶ 26, Alquist Decl. Ex. B.)
7. The '772 Patent is a continuation-in-part of US Patent No. 7,190,478 (“the '478 Patent”). (US Patent No. 7,782,772 1:6-8, Alquist Decl. Ex. A.)
8. US Patent Application Publication No. 2003/0223092 (“Caffary”) was published on December 4, 2003. (US Patent Application Publication No. 2003/0223092, attached as Alquist Decl. Ex. E.)
9. The words “appending” or “append” do not appear in the specification or the claims of the '478 Patent. (US Patent No. 7,190,478, attached as Alquist Decl. Ex. D.)
10. The words “supplementing” or “supplement” do not appear in the specification or the claims of the '478 Patent. (US Patent No. 7,190,478, Alquist Decl. Ex. D.)
11. The '478 Patent does not disclose “appending printer management agent software to the existing print driver.” (US Patent No. 7,190,478, Alquist Decl. Ex. D; US Patent Application Publication No. 2003/0223092, Alquist Decl. Ex. E.)
12. The priority date for Claim 4 of the '772 Patent is March 12, 2007. (US Patent Nos. 7,782,772, Alquist Decl. Ex. A.)
13. Caffary is prior art to Claim 4 of the '772 Patent. (US Patent No. 7,782,772, Alquist Decl. Ex. A; US Patent Application Publication No. 2003/0223092, Alquist Decl. Ex. E.)

14. US Patent Application Publication No. 2005/0259289 (“Ferlitsch”) was published on November 24, 2005. (US Patent Application Publication No. 2005/0259289, attached as Alquist Decl. Ex. C.)
15. Ferlitsch is prior art to Claim 4 of the ’772 Patent. (US Patent No. 7,782,772, Alquist Decl. Ex. A; US Patent Application Publication No. 2005/0259289, Alquist Decl. Ex. C.)
16. US Patent Application Publication No. 2002/0101600 (“Sabbagh”) was published on August 1, 2002. (US Patent Application Publication No. 2002/0101600, attached as Alquist Decl. Ex. F.)
17. Sabbagh is prior art to Claim 4 of the ’772 Patent. (US Patent No. 7,782,772, Alquist Decl. Ex. A; US Patent Application Publication No. 2002/0101600, Alquist Decl. Ex. F.)
18. DPServer Solutions Guide (“DPServer”) bears a copyright date of March 1999. (DPServer Solutions Guide at 4, attached as Alquist Decl. Ex. G.)
19. DPServer was disseminated and publicly available by November 1, 2000 at the latest. (Internet Archive page, attached as Alquist Decl. Ex. J; Alquist Decl. ¶ 12.)
20. DPServer is prior art to Claim 4 of the ’772 Patent. (US Patent No. 7,782,772, Alquist Decl. Ex. A; DPServer Solutions Guide, Alquist Decl. Ex. G.)
21. US Patent No. 6,832,250 (“Coons”) issued on December 14, 2004. (US Patent No. 6,832,250, attached as Alquist Decl. Ex. H.)
22. Coons is prior art to Claim 4 of the ’772 Patent. (US Patent No. 7,782,772, Alquist Decl. Ex. A; US Patent No. 6,832,250, Alquist Decl. Ex. H.)
23. US Patent Application Publication No. 2003/0197887 (“Shenoy”) was published on October 23, 2003. (US Patent Application Publication No. 2003/0197887, attached as Alquist Decl. Ex. I.)

24. Shenoy is prior art to Claim 4 of the '772 Patent. (US Patent No. 7,782,772, Alquist Decl. Ex. A; US Patent Application Publication No. 2003/0197887, Alquist Decl. Ex. I.)

25. Mr. Weadock states the person of ordinary skill is “a person with a good working knowledge of software development; an understanding of the software mechanisms for local and network printing in office networks, and familiarity with methods for monitoring print activities in such networks. The person would have gained this knowledge through an undergraduate Bachelor of Science degree in Computer Science, or other technical degree incorporating computer science courseware, and three to five years of experience working in the field of software development and/or systems integration. Additional education or experience may serve as a substitute for these requirements.” (Weadock Report ¶ 21, Alquist Decl. Ex. B.)

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Elizabeth A. Alquist
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